



**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID SABAJAN,
Defendant.

Case No. 16-0324M

ORDER OF DETENTION

I.

The Defendant was arrested in this District pursuant to a warrant issued by the United States District Court for the Western District of Texas, based on a Complaint issued in case No. 16MJ070 charging Defendant with conspiracy to possess with intent to distribute over 50 grams of methamphetamine, in violation of 21 U.S.C. §§ 846 and 514(a)(1), and requested a detention hearing in this district.

☒ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.

☒ On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community [18 U.S.C. § 3142(e)(2)].

II.

The Court finds that no condition or combination of conditions will reasonably assure: ☒ the appearance of the defendant as required.

☒ the safety of any person or the community.

III.

The Court has considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device; (b) the weight of evidence against the defendant; (c) the

1 history and characteristics of the defendant; and (d) the nature and seriousness of
2 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
3 considered all the evidence adduced at the hearing, the arguments of counsel, and
4 the report and recommendation of the U.S. Pretrial Services Agency.

5 IV.

6 The Court bases its conclusions on the following:

7 As to risk of non-appearance:

- 8 ☒ Lack of bail resources
- 9 ☒ Outstanding warrant for failure to appear issued on August 14,
10 2013 based on failure to appear for a class B misdemeanor in Texas and
11 outstanding failure to appear for DMV violation resulting in the
12 suspension/revocation of defendant's license in 2014.

- 13 ☒ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 14

15 As to danger to the community:

- 16 ☒ Allegations in present charging document
- 17 ☒ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 18

19 V.

20 IT IS THEREFORE ORDERED that the defendant be detained until trial.
21 The defendant will be committed to the custody of the Attorney General for
22 confinement in a corrections facility separate, to the extent practicable, from
23 persons awaiting or serving sentences or being held in custody pending appeal.
24 The defendant will be afforded reasonable opportunity for private consultation
25 with counsel. On order of a Court of the United States or on request of any
26 attorney for the Government, the person in charge of the corrections facility in
27 which defendant is confined will deliver the defendant to a United States Marshal

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1 for the purpose of an appearance in connection with a court proceeding.

2 [18 U.S.C. § 3142(i)]. Defendant to be transported to the charging district.

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4 Dated: February 17, 2016

_____/s/_____
5 HON. ALKA SAGAR
6 UNITED STATES MAGISTRATE JUDGE
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